

MEETING NO. 17
October 2, 2003

ERIE COUNTY LEGISLATURE

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MEETING NO. 17
October 2, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Pastor Timothy G. Madsen, St. Paul's Evangelical Church.

The Pledge of Allegiance was led by Ms. Chase.

Item 1 – CHAIRMAN SWANICK directed that Comm. 20E-2 (2002) remain on the table.

Item 2 – MR. RANZENHOFER moved to reconsider Comm. 15E-41 (2003) from Meeting #16. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 546

Re: Health – Women, Infant & Children's
 Supplemental Nutrition (WIC) Program 10/1/02
 – 9/30/03 – Project #701.

WHEREAS, the Erie County Department of Health operates the WIC Program under a grant from the New York State Health Department, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant women, infants and children, and

WHEREAS, budgetary adjustments are necessary in order to bring accounts into line with SFG.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health for a revised grant which is budgeted as follows:

SUPPLEMENTAL FOOD (WIC) PROGRAM
10/1/02- 9/30/03
PROJECT #701

CURRENT

REVISED

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SFG	REVENUE	BUDGET	CHANGES	BUDGET
440	Local Source	\$ 4,000	\$ 0	\$ 4,000
549	Misc. Dept. Inc.	800	0	800
574	State Aid – WIC	<u>2,588,744</u>	<u>12,725</u>	<u>2,601,469</u>
	TOTAL	<u>\$2,593,544</u>	<u>\$ 12,725</u>	<u>\$ 2,606,269</u>

EXPENSES

800	Personal Services	\$1,922,914	\$-66,286	\$1,856,628
805	Fringe Benefits	453,210	101,168	554,378
810	Office Supplies	5,000	691	5,691
814	Medical Supplies	7,680	0	7,680
816	Maintenance Supplies	800	0	800
821	Dues & Fees	1,000	0	1,000
822	Rental Charges	34,379	0	34,379
823	Repairs & Maintenance	3,000	-2,871	129
824	Travel & Mileage	12,000	-2,500	9,500
825	Out of Area Travel	10,750	0	10,750
826	Other Expenses	20,384	-1,581	18,803
880-1200	Interfund – Comptroller	17,022	-17,022	0
880-2700	Interfund – ECHD	61,701	-3,739	57,962
880-5100	Interfund – DISS	37,660	-4,400	33,260
931	Maintenance Equipment	350	978	1,328
932	Office Equipment	0	4,944	4,944
933	Technical Equipment	<u>5,694</u>	<u>3,343</u>	<u>9,037</u>
	TOTAL	<u>\$2,593,544</u>	<u>\$12,725</u>	<u>\$2,606,269</u>

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Decrease Account 685-2709 Interfund Health Grants	\$3,739
Decrease Account 932 Office Equipment	\$3,739

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

MR. RANZENHOFER moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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Item 3 – MR. RANZENHOFER moved the approval of Minutes for Meeting No. 15 of 2003. MR. WEINSTEIN seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. DUSZA, ET AL presented a resolution Honoring Florence Burek on her 90th Birthday. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. HOLT presented a resolution In Memory of Samuel Hill. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. MARINELLI, ET AL presented a resolution Commemorating October as National Domestic Violence Awareness Month. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. SMITH, ET AL presented a resolution Order of Eastern Star, State of New York, PHA Honoring Assemblywoman Crystal D. Peoples 141st District. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. HOLT presented a resolution In Memory of J. C. Hill. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Honoring the Buffalo/Pittsburgh Diocese of the Polish National Catholic Church Celebrating its 75th Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. DeBENEDETTI presented a resolution Joining the Northwest Buffalo Community Center in Recognizing October 9, 2003 as “Lights on Afterschool Day” – A National Celebration of After-School Programs. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 11 – MR. KUWIK presented a resolution Congratulating St. Barbara's on its 100th Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. DALE presented a resolution Honoring David Jaworski for Receiving the Professional Business Association's Man of the Year Award. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

COMMITTEE REPORTS

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Item 22 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 547

September 29, 2003

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FALKNER.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2003	(Comm. 10M-6)
a.	AMERICAN SOCIETY OF CIVIL ENGINEERS: Resolution in Support of Making Reforms to Wicks Law.			
	(4-0) Legislator Falkner absent.			

	Item	Page	-2003	(Comm. 13E-28)
b.	COUNTY EXECUTIVE: Dunn Tire Park – 2003 – Right Field Modifications.			
	(4-0) Legislator Falkner absent.			

				AS AMENDED
2.	Item	Page	-2003	(Comm. 2E-17)
	COUNTY EXECUTIVE			

WHEREAS, Niagara Mohawk Power Corporation ("Niagara Mohawk") desires to obtain a utility easement from the County to install and service electrical equipment on lands owned by the County of Erie and to be used for the Central Police Services/Public Safety Facility, 372 Michigan Avenue, Buffalo ("CPS"); and

WHEREAS, the installation of such electrical equipment is for the benefit of the County and CPS; and

WHEREAS, the Department of Public Works has determined that the location of the easement will not interfere with the operations of the CPS.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign an easement with Niagara Mohawk for the purposes of installing and servicing electrical equipment on lands owned by the County of Erie at 372 Michigan Avenue, Buffalo; and be it further

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RESOLVED, that the easement documents prepared by Niagara Mohawk shall be subject to the review and approval of the Commissioner of Public Works and the County Attorney; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Commissioner of Public Works, Director of Budget, Management & Finance and Comptroller.

(4-0) Legislator Falkner absent.

3. Item Page -2003 (Comm. 15E-50)

COUNTY EXECUTIVE

WHEREAS, the weather during the winter season of 2002-2003 was extremely harsh in the State of New York, particularly Erie County, and

WHEREAS, the Department of Public Works – Road Fund expended all of the 2003 overtime budget and most of the highway supplies budget during the early months of the year, and

WHEREAS, the Department of Public Works – Road Fund is anticipated to close the 2003 fiscal year with a deficit due to the magnitude of costs associated with the extraordinary winter season, and

WHEREAS, the New York State Legislature has passed legislation allowing municipalities to borrow moneys to reimburse extraordinary expenses related to snow and ice removal,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to bond \$2,000,000 over a period of five years, and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to include this \$2,000,000 snow removal project, and be it further

RESOLVED, that the revenues associated with the pending bond sale be offset by a transfer of funds to Highway Supplies 210-817 (\$1,300,000) and Overtime 210-801(\$700,000) in the Department of Public Works – Road Fund, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget, Management and Finance and the County Comptroller.

(4-0) Legislator Falkner absent.

4. Item Page -2003 (Comm. 16E-11)

COUNTY EXECUTIVE

WHEREAS, NYSEDA has notified the Library that up to \$25,000 is available to implement a Web Enabled Advanced Monitoring system at the Town of Tonawanda library facilities, and

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WHEREAS, the pilot WEAM project implemented at the Library was very successful, and

WHEREAS, the Library wishes to expand the usage of WEAM to these facilities, and

WHEREAS, C.J. Brown Energy, P.C. has the capabilities to design, specify, and implement a WEAM system at these facilities and is performing that work at other facilities previously authorized by the Erie County Legislature,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of up to \$25,000 through NYSERDA's PON 565-00 for design, specification and implementation of a WEAM program for the Town of Tonawanda library and the aforementioned \$25,000 be added as an increase to revenue and appropriations for Project 410, Fund 295, 2002 Energy Conservation Measures, and be it further,

RESOLVED, that a Supplemental Agreement be made with C.J. Brown Energy, P.C. for up to \$25,000 for their work in designing, specifying and implementing WEAM system at these facilities that NYSERDA is willing to fund, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance, and the Office of the Comptroller.

(4-0) Legislator Falkner absent.

5. Item Page -2003 (Comm. 16E-16)

COUNTY EXECUTIVE

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$1,998,580.85 available for repairs of roads and bridges in the County during 2003, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on Thursday, October 16, 2003 at 2:00 p.m., in the Legislative Chambers, in the Ceremonial Court Room, Part 6, 2nd floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further

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RESOLVED, that the subject of such public hearing shall be the appropriation of \$1,998,580.85 from the Erie County Road Repair Reserve Fund for the following road and bridge repair projects during 2003

2003 TRANSFER TAX PROJECTS

<u>OIL & CHIPPING</u>	<u>COST</u>
STEINER ROAD	\$ 9,500.00
STAGE ROAD	11,000.00
RAPIDS ROAD	10,500.00
BURDICK ROAD	11,000.00
SANDHILL ROAD	9,000.00
DORSCH ROAD	9,000.00
FLETCHER ROAD	11,000.00
HAYES HOLLOW ROAD	19,000.00
IRISH ROAD	10,000.00
FALLS ROAD	14,000.00
WEST FALLS ROAD	9,500.00
GROVER ROAD	22,000.00
CRUMP ROAD	14,500.00
SHIRLEY ROAD	12,000.00
NEW OREGON ROAD	23,500.00
JENNINGS ROAD	32,500.00
WOODSIDE ROAD	21,500.00
OTTENBECKER ROAD	4,000.00
PRATHAM ROAD	19,000.00
BROWN HILL ROAD	11,000.00
FOWLerville ROAD	2,000.00
BUFFALO STREET	4,000.00
SHARP STREET	3,500.00
WARNER GULF STREET	7,500.00
HARDT ROAD	8,000.00
ZENNER ROAD	7,500.00
NORTH BOSTON ROAD	9,500.00
ABBOTT ROAD	15,500.00
HAAG ROAD	7,500.00
ECKHARDT ROAD	14,000.00
NEW OREGON ROAD	20,400.00
DELAMETER ROAD	3,000.00
GOWANS ROAD	6,000.00
LOTUS POINT ROAD	7,000.00
HARDPAN ROAD	14,500.00
PONTIAC ROAD	25,500.00
BLEY ROAD	4,000.00
BAUER ROAD	<u>11,000.00</u>

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\$453,900.00

SLURRY COAT OVERLAY

STOLLE ROAD	\$ 50,000.00
WINSPEAR ROAD	<u>25,000.00</u>

\$ 75,000.00

ASPHALT OVERLAY

ABBOTT ROAD	\$ 600,000.00
MCKINLEY PARKWAY	560,000.00
MILL ROAD	70,000.00
RIDGE ROAD	<u>239,680.85</u>

\$1,469,680.85

GRAND TOTAL

\$1,998,580.85

And be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Budget Director, Joseph Passafiume; Public Works Commissioner, Maria Lehman; Interim Deputy Commissioner of Highways, Gerard J. Sentz; First Assistant County Attorney, Andrew Isenberg; and the Erie County Comptroller, Nancy Naples.
 (4-0) Legislator Falkner absent.

6. Item Page -2003 (Comm. 16E-17)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works awarded contracts for the Erie County Regional Public Safety Campus in an amount not to exceed \$9,100,000, and

WHEREAS, the Department of Public Works is setting up a field office in the Great Lakes Building adjacent to the New Public Safety Campus site, and

WHEREAS, in conjunction with the field office, the Department of Public Works will move its entire operations on the 14th floor of the Rath Building, on a temporary basis, to the Great Lakes Building providing an open 14th floor to start the asbestos abatement of the Rath Building, and

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WHEREAS, the contingency fund increase will allow the Department of Public Works to hire the contractors on a time and material basis to complete the temporary move of the Department of Public Works to the Great Lakes Building.

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$200,000 with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency fund, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$25,000 be allocated for Architectural/Engineering Services to Cannon Design, Inc. for electronic and miscellaneous design necessary to complete the project, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Various Improvements to County Buildings, Project 240, Fund 441 in the amount of \$100,000, and Countywide Asbestos Abatement, Project 198, Fund 410, in the amount of \$50,000, and Electrical Systems Improvements, Countywide, Project 400, Fund 410 in the amount of \$75,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(3-1) Legislator Falkner absent. Legislator Schroeder voted in the negative.

7. Item Page -2003 (Comm. 16E-18)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo & Erie County Central Library Exterior Building Rehabilitation project on July 3, 2003, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Raymond E. Kelley, Inc., in the amount of \$472,431, and

WHEREAS, major deterioration to the exterior planters has been discovered and is related to the exterior rehabilitation and repair is needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$50,000 to a new total amount of \$80,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Trautman Associates for additional design and site inspection in an amount not to exceed \$8,000,00. and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Library, Project 142, Fund 490, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.

(4-0) Legislator Falkner absent.

8. Item Page -2003 (Comm. 16E-19)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on August 14, 2003, for Asbestos Hazard Emergency Response Services, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Frontier Insulation, Inc. in the maximum amount of \$30,000.00, the total expenditure of which shall be based upon a project-by-project basis utilizing the contractor's unit prices, wage rates, and other stated prices as included in their bid, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from Project 594, Fund 410, in the total amount, not-to-exceed \$30,000.00 unless an increase is authorized by the Legislature, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(4-0) Legislator Falkner absent.

MICHAEL H. RANZENHOFER
CHAIRMAN

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MR. RANZENHOFER moved to separate items #3, #6 & #7 and moved the approval of the balance of the report. MS. CHASE seconded. MR. DALE voted in negative on the approval of the balance of the report.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

MR. RANZENHOFER moved to amend item #3. MS. CHASE seconded. MR. DeBENEDETTI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

DELETE the First RESOLVED clause.

DELETE the Third RESLOVED clause and REPLACE with the following:

RESOLVED, that subsequent to the passing of this resolution, a bond resolution will be prepared and submitted to the Erie County Legislature, the revenues from which will be transferred to Highway Supplies 210-817 (\$1,000,000) and Overtime 210-801 (\$1,000,000) in the Department of Public Works – Road Fund, and be it further

MR. RANZENHOFER moved the approval of item #3 as amended. MS. CHASE seconded. MR. DeBENEDETTI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

MR. RANZENHOFER moved the approval of item #6. MS. CHASE seconded. MR. SCHROEDER voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.087 – 0.913)

MR. RANZENHOFER moved to amend item #7. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DELETE the proposed resolution in its entirety and **RELACE** with the following attached resolution:

WHEREAS, the Department of Public Works received bids for the Buffalo & Erie County Central Library Exterior Building Rehabilitation project on July 3, 2003, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Raymond E. Kelley, Inc., in the amount of \$472,431, and

WHEREAS, major deterioration to the exterior planters has been discovered and is related to the exterior rehabilitation and repair is needed,

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NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$50,000 to a new total amount of \$80,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Trautman Associates for additional design and site inspection in an amount not to exceed \$8,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Library, Project 142, Fund 490, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.

MR. RANZENHOFER moved the approval of item #7 as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 548

September 29, 2003

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FALKNER. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|--------------|
| | Item | Page | -2003 | (Intro. 8-4) |
| a. | MINORITY CAUCUS: Support for Reinstatement of NYS Funding for Education. | | | |
| | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |

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| | Item | Page | -2003 | (Comm. 9E-18) |
| b. | HOLT: Copy of Letter to Comptroller Re: Erie County's Bonded Indebtedness.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 9E-18) |
| c. | HOLT: Copy of Letter to Comptroller Re: Erie County's Constitutional Debt Limit.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 11E-1) |
| d. | DeBENEDETTI: Copy of Letter to Comptroller Re: Debt Service.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 11E-6) |
| e. | DeBENEDETTI: Copy of Letter to Comptroller Re: Revenue Anticipation Notes (RANS).
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 12E-9) |
| f. | DeBENEDETTI: Copy of Letter to Comptroller Naples Re: Refinancing of Outstanding County Bonds.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 16M-3) |
| g. | NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 2003 State Equalization Rates.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| 2. | Item | Page | -2003 | (Comm. 16E-5) |

COUNTY EXECUTIVE

WHEREAS, by Resolutions dated March 20, 2003 [Comm. 5E-12] and June 19, 2003 [Comm. 11E-13], the Erie County Legislature authorized the sale of County owned tax certificates representing delinquent real property taxes from 2002 and prior years, pursuant to Section 7-8.0 of the Erie County Tax Act or other applicable laws, and authorized the County Executive, the Budget Director and the Commissioner of Finance to execute and deliver such contracts and instruments as may be necessary to convey such tax certificates; and

WHEREAS, the Erie County Legislature has determined that in order to accomplish the sale of County owned tax certificates and in order to lessen the burdens of County government and to act in the public interest, the Erie County Legislature should authorize the incorporation of a local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law; and

NOW, THEREFORE, be it

RESOLVED, that the Erie County Legislature hereby authorizes and directs the County Executive, the Budget Director and the Commission of Finance (collectively the "Authorized

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Officers"), and each of them, to cause to be incorporated a local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law; and be it further

RESOLVED, that the Erie County Legislature authorizes and directs the Commissioner of Finance to sell, transfer and convey to the local development corporation ("LDC") herein authorized such County owned tax certificates representing delinquent real property taxes from 2002 and prior years as may be jointly selected by the LDC and the Commissioner of Finance, provided that the consideration, therefore, shall include an initial cash payment equal to at least 70% of the redemption value of all tax certificates sold (less amounts sufficient to fund a working capital reserve fund in an amount of approximately \$250,000.00 and to pay the reasonable legal and other costs of the County to complete said sale), together with the beneficial interest in a Delaware Statutory Trust to be formed by the LDC for the purpose of receiving net proceeds of collection on the tax certificates after payment of principal and interest on a note issued by the LDC to finance the initial cash payment, payments into an LDC working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon; and be it further

RESOLVED, that the Authorized Officers be and each of them hereby is empowered and directed to execute and deliver the instruments necessary to transfer, assign and convey all of Erie County's right, title and interest in any tax certificates sold, together with any other agreements, documents and instruments as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of this resolution and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officers to the Owners of the real properties affected by the tax certificates being sold or to any other persons in connection with the sale thereof; and be it further

RESOLVED, that all prior resolutions of the Erie County Legislature with respect to the sale of tax certificates now owned by the County and representing delinquent real property taxes from 2002 and prior years (to wit, a certain resolution of the Erie County Legislature dated June 19, 2003 [Comm. 11E-13] and a certain resolution of the Erie County Legislature dated March 20, 2003 [Comm. 5E-12] are hereby superceded by this Resolution.; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Budget Director, the County Attorney, the County Comptroller and the Deputy Commissioner of Finance.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 16E-26)

COMPTROLLER

RESOLUTION NO. 549 -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY PLANS AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR THE PLANNING OF THE

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CONSTRUCTION OF THE LAKESHORE SHORELINE TRAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$103,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$103,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) September 23, 2003
(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to prepare surveys, preliminary plans and detailed plans, specifications and estimates necessary for the planning of the construction of the Lakeshore Shoreline Trail. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$103,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2003. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$103,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$103,000 are hereby authorized to be issued for the object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$103,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 62 (2nd) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the

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renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 16E-27)

COMPTROLLER

RESOLUTION NO. 550 -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 11, 2002, AND AMENDED SEPTEMBER 19, 2002 AND

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NOVEMBER 7, 2002 TO PROVIDE FOR ADDITIONAL FUNDS FOR THE PREPARATION OF PRELIMINARY PLANS AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES FOR THE RECONSTRUCTION OF THE WEHRLE/HARRIS HILL INTERSECTION

(Introduced) September 23, 2003

(Adopted) _____, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2002 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 11, 2002 and amended on September 19, 2002 and November 7, 2002, and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$3,250 additional County funds for the preparation of preliminary plans and detailed plans, specifications and estimates for the reconstruction of the Wehrle/Harris Hill intersection (the "Project"); and

WHEREAS, the New York State Department of Transportation has increased the design phase to \$177,500 for the Project;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECTION (A) Section 1. Row 33 column B of the attached schedule to Resolution 160-2002 of said County duly adopted by the Legislature on April 11, 2002 and amended on September 19, 2002 and November 7, 2002, which states "\$40,000" is hereby amended to state "\$177,500."

Section 2. Row 33 column C of the attached schedule to Resolution 160-2002 of said County duly adopted by the Legislature on April 11, 2002 and amended on September 19, 2002 and November 7, 2002 stating "\$8,000" is hereby amended to state "\$11,250." Bonds of the County in the principal amount of \$3,250 are hereby authorized to be issued, in addition to \$8,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 33 column D of the attached schedule to Resolution 160-2002 of said County duly adopted by the Legislature on April 11, 2002 and amended on September 19, 2002 and November 7, 2002 stating "\$32,000" is hereby amended to state "\$166,250."

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Section 4. Resolution No. 160-2002 of said County duly adopted by the Legislature on April 11, 2002 and amended on September 19, 2002 and November 7, 2002 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,643,100, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,128,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,515,100 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,780,600, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,262,250 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,518,350 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 16E-28)

COMPTROLLER

RESOLUTION NO. 551 -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY PLANS AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR THE PLANNING OF THE CONSTRUCTION OF THE OUTER HARBOR WATERFRONT TRAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$35,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$35,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) September 23, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to prepare surveys, preliminary plans and detailed plans, specifications and estimates necessary for the planning of the construction of the Outer Harbor Waterfront Trail. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$35,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2003. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$35,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$35,000 are hereby authorized to be issued for the object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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Section 3. The period of probable usefulness of the specific object or purpose for which said \$35,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 62 (2nd) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

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and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 16E-29)

COMPTROLLER

RESOLUTION NO. 552 -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A NEW CENTRAL POLICE SERVICES TRAINING FACILITY THEREON; STATING THE ESTIMATED TOTAL COST THEREOF IS \$30,189,000, APPROPRIATING \$5,000,000 THEREFOR IN ADDITION TO \$25,189,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$25,189,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREFOR, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS

(Introduced) September 23, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-341, consisting of (i) the acquisition of a 1.6 acre parcel of land situate at 372 Michigan Avenue between South and North Division Streets, at the estimated maximum cost of \$1,150,000 and (ii) the construction of a new Central Police Services Training Facility thereon, including all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith, at the estimated maximum cost of \$29,039,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$30,189,000, and \$5,000,000 is hereby appropriated for the purposes described in Section 1 (ii)

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hereof, in addition to the \$25,189,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$5,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$25,189,000 bonds previously authorized therefor pursuant to Resolution No. 338-2002 adopted on July 18, 2002, and Resolution No. 471-2003 adopted on July 10, 2003, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific object or purpose or classes of objects or purposes or the redemption of any notes and bonds issued therefore or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$5,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The building to be reconstructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$5,000,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.11 (a) of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by

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§52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(4-1) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. Legislator DeBenedetti voted in the negative.

7. Item Page -2003 (Comm. 16E-30)

COMPTROLLER

RESOLUTION NO. 553 -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 8, 2003, AND AMENDED JULY 10, 2003 TO PROVIDE FOR ADDITIONAL FUNDS FOR THE RECONSTRUCTION AND RESTORATION OF TIMES BEACH AND THE CONSTRUCTION OF PUBLIC ACCESS TO TIMES BEACH

(Introduced) September 23, 2003

(Adopted) _____, 2003

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WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2003 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on May 8, 2003 and amended on July 10, 2003, and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$175,000 additional County funds for the reconstruction and restoration of Times Beach and the construction of public access to Times Beach;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK
(by the favorable vote of not less than two-thirds of all members of said Legislature) AS
FOLLOWS:

SECTION (A) Section 1. Row 45 column B of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003, which states "\$125,000" is hereby amended to state "\$300,000."

Section 2. Row 45 column C of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 stating "\$125,000" is hereby amended to state "\$300,000." Bonds of the County in the principal amount of \$175,000 are hereby authorized to be issued, in addition to \$125,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 45 column F of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 stating "5 yrs., Par. 62(2nd)" is hereby amended to state "15 yrs., Par. 19(c)."

Section 4. Row 45 column G of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 stating "Design for the redevelopment of Times Beach and to create public access" is hereby amended to state "The reconstruction and redevelopment of Times Beach, including the construction of public access and the preparation of preliminary plans and detailed plans, specifications and estimates for design"

Section 5. Resolution No. 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003
CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED
MAXIMUM COST OF SUCH PROJECTS IS \$45,606,757, APPROPRIATING

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SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$41,986,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,781,757, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$42,161,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN

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MR. LARSON moved to separate items #2, #3, #4, #5, #6 & #7 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved to amend item #2. MR. RANZENHOFER seconded. MR. SMITH voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.039 – 0.961)

DELETE the proposed resolution in its entirety and **REPLACE** with the following attached resolution:

WHEREAS, by Resolutions dated March 20, 2003 [Comm. 5E-12] and June 19, 2003 [Comm.11E-13], the Erie County Legislature authorized the sale of County owned tax certificates representing delinquent real property taxes from 2002 and prior years, pursuant to Section 7-8.0 of the Erie County Tax Act or other applicable laws, and authorized the County Executive, the Budget Director and the Commissioner of Finance to execute and deliver such contracts and instruments as may be necessary to convey such tax certificates; and

WHEREAS, the Erie County Legislature has determined that in order to accomplish the sale of County owned tax certificates and in order to lessen the burdens of County government and to act in the public interest, the Erie County Legislature should authorize the incorporation of a local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law; and

NOW, THEREFORE, be it

RESOLVED, that the Erie County Legislature hereby authorizes and directs the County Executive, the Budget Director and the Commissioner of Finance (collectively the "Authorized Officers"), and each of them, to cause to be incorporated a local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law; and be it further

RESOLVED, that the Erie County Legislature authorizes and directs the Commissioner of Finance to sell, transfer and convey to the local development corporation ("LDC") herein authorized such County owned tax certificates representing delinquent real property taxes from 2002 and prior years as may be jointly selected by the LDC and the Commissioner of Finance, provided that, except as set forth below relative to tax certificates sold which affect properties whose owner is bankrupt or which affect properties with identified environmental issues, the consideration therefor shall include an initial cash payment equal to at least 70% of the redemption value of all tax certificates sold (less amounts sufficient to fund a working capital reserve fund in an amount of approximately \$250,000.00 and to pay the reasonable legal and other costs of the County to complete said sale), together with the beneficial interest in a Delaware Statutory Trust to be formed by the LDC for the purpose of receiving net proceeds of collection on the tax certificates after payment of principal and interest on a note issued by the LDC to finance the initial cash payment,

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payments into an LDC working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon; and be it further

RESOLVED, that the consideration paid to the County by the LDC for tax certificates sold which affect properties whose owner is bankrupt or which affect properties with identified environmental issues shall not include any initial cash payment but shall consist entirely of the County's beneficial interest in the Delaware Statutory Trust to be formed by the LDC for the purpose of receiving net proceeds of collection on the tax certificates after payment of principal and interest on a note issued by the LDC to finance the initial cash payment, payments into an LDC working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon; and be it further

RESOLVED, that the Authorized Officers be and each of them hereby is empowered and directed to execute and deliver the instruments necessary to transfer, assign and convey all of Erie County's right, title and interest in any tax certificates sold, together with any other agreements, documents and instruments as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of this resolution and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officers to the Owners of the real properties affected by the tax certificates being sold or to any other persons in connection with the sale thereof; and be it further

RESOLVED, that all prior resolutions of the Erie County Legislature with respect to the sale of tax certificates now owned by the County and representing delinquent real property taxes from 2002 and prior years (to wit, a certain resolution of the Erie County Legislature dated June 19, 2003 [Comm. 11E-13] and a certain resolution of the Erie County Legislature dated March 20, 2003 [Comm. 5E-12] are hereby superceded by this Resolution.

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Budget Director, the County Attorney, the County Comptroller and the Deputy Commissioner of Finance.

MR. LARSON moved the approval of item #2 as amended. MR. RANZENHOFER seconded. MR. SMITH and MR. WEINSTEIN voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.109 – 1.891)

MR. LARSON moved the approval of item #3. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #4. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #5. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: DeBENEDETTI.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

MR. LARSON moved the approval of item #7. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

Item 24 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 554

September 29, 2003

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 12

ALL LEGISLATORS PRESENT EXCEPT LEGISLATOR DUSZA.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2003	(Comm. 16E-8)
a.	COUNTY EXECUTIVE: ECSSTA & ECSD Nos. 1 – 6 – Engineering Service Agreements – Information Technology Plan – Work Order – SW-5, Stearns & Wheler.			
	(4-0) Legislator Dusza absent.			

	Item	Page	-2003	(Comm. 16E-25)
b.	COUNTY EXECUTIVE: ECSD No. 3 – Engineering Service Agreements – Work Order PH-5.			
	(4-0) Legislator Dusza absent.			

	Item	Page	-2003	(Comm. 16M-5)
c.	LAKE PLAINS RESOURCE CONSERVATION & DEVELOPMENT COUNCIL:			
	Forest Management Planning.			
	(4-0) Legislator Dusza absent.			

2.	Item	Page	-2003	(Comm. 16E-10)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to execute an energy performance contract for the implementation of energy and cost savings measures at the Southtowns Advanced Wastewater Treatment Facility and at the pumping stations and treatment facilities within Erie County Sewer District Nos. 1, 3 and 4; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has recommended the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Siemens Building Technologies, be retained at a cost not-to-exceed \$2,928,774 and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8,

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Amherst, New York 14228, to complete the energy performance contract, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

- Erie County Sewer District No. 1, Sewer Capital Fund No. 430 694 810, \$5,944.00.
- Erie County Sewer District No. 4, Sewer Capital Fund No. 430 693 810, \$6,518.00.
- Erie County Sewer District No. 3, Sewer Capital Fund Balance Account 220 853 831 698 105, \$5,895.00 and Contractual Services 220 853 830 830.
- Erie County Southtowns, Sewer Capital Fund No. 430 451 830, \$2,910,417.00.

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

3. Item Page -2003 (Comm. 16E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for coordinating the New York State Agricultural District Re-certification process for seventeen districts within Erie County; and

WHEREAS, the Department of Environment and Planning is currently coordinating the re-certification of the following agricultural districts

1. Brant/Evans #1
2. Brant/Evans #2
3. Elma

and

WHEREAS, the primary planner responsible for coordinating the aforementioned process retired from County service in September 2002 thereby leaving a void in expertise relative to the agricultural district process and other rural planning services; and

WHEREAS, a variety of issues surfaced during the Brant/Evans #1 and #2 re-certification process thereby requiring an unforeseen expenditure under the initial personal services contract,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Second Amendatory Agreement to the November 21, 2002 Rural Planning Personal Services Contract with Chester C. Jandzinski, residing at 1650 Hall Road, Elma, New York 14059; and be it further

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RESOLVED, that the amended agreement shall include an authorized contract amount not to exceed \$21,400; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since this service is a continuation of efforts undertaken through the original five-month contract period and it is not deemed feasible or cost effective for the County to undertake this process; and be it further

RESOLVED, that the purpose of said agreement shall be to coordinate the re-certification of various Erie County Agricultural Districts with the New York State Department of Agriculture and Markets, and other rural planning services as deemed appropriate by the Department of Environment and Planning; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Department of Environment and Planning Budget, DAC #290 835620821; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of Personnel, and the Director of the Division of Budget, Management, and Finance.
 (4-0) Legislator Dusza absent.

DALE W. LARSON
CHAIRMAN

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 555

September 29, 2003

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATORS FALKNER & DUSZA.

1.	Item	Page	-2003	(Comm. 16E-31)
	SHERIFF			

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WHEREAS, the recent retirement of an Accountant has created a vacancy and,

WHEREAS, a retrenchment of a provisional employee will cause a layoff and,

WHEREAS, both functions are necessary for the effective operation of the Erie County Sheriff's Office and,

WHEREAS, funding for these position adjustments will be offset by the positions deleted and positions that have remained vacant throughout 2003 therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Administrative Assistant Sheriff, Job Group 9, and one Receptionist, Job Group 3 and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Accountant, Job Group 9 and one Account Clerk Typist Civil, Job Group 4 and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.
 (3-0) Legislators Falkner and Dusza absent.

2. Item Page -2003 (Comm. 16E-32)
 SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$32,800 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the Sheriff and Erie County Purchasing are authorized to purchase used automobiles from the Village of Kenmore without competitive bidding, and be it further

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ERIE COUNTY LEGISLATURE

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT - PROJECT #493

<u>REVENUE</u>		<u>Increase</u>
Acct. 502	Forfeiture Crime Proceeds	<u>32,800</u>
	Total Revenue	<u>32,800</u>

<u>APPROPRIATION</u>		<u>Increase</u>
Acct. 826	Miscellaneous Expense	25,000
Acct. 930	Automotive Equipment	<u>7,800</u>
	Total Appropriations	<u>32,800</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.
 (3-0) Legislators Falkner and Dusza absent.

3. Item Page -2003 (Comm. 16E-33)
SHERIFF

WHEREAS, the New York State Office of Court Administration has requested the Sheriff's Office to increase the number of Deputy Sheriff Officers by six because of additional work in the new Family Court Building and during the construction phase of the buildings occupied by the Unified Court System; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of these positions under the current contract between the parties; and

WHEREAS, it is necessary to increase the number of Deputy Sheriff Officers assigned to the court buildings to ensure public safety.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is authorized to create six (6) Deputy Sheriff Officer, Job Group VIII positions; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

UNIFIED COURT SECURITY GRANT - PROJECT #888

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<u>REVENUE</u>		<u>Increase</u>
<u>SFG ACCOUNT</u>		
627	State Aid Revenues	<u>\$197,810</u>
	Total Revenue	<u>\$197,810</u>
<u>APPROPRIATION</u>		<u>Increase</u>
<u>SFG ACCOUNT</u>		
800	Personal Services	\$148,805
801	Overtime	6,975
805	Fringe Benefits	<u>42,030</u>
	Total Appropriation	<u>\$197,810</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Department of Personnel and the Office of the Sheriff for implementation.
 (3-0) Legislators Falkner and Dusza absent.

4. Item Page -2003 (Comm. 16E-34)
SHERIFF

WHEREAS, the Erie County Sheriff's Office requires five additional Records Clerks in the Erie County Holding Center due to the increased workload created by the transfer of booking responsibilities from the City of Buffalo, and

WHEREAS, funding for these position adjustments is available by transferring funds available in the Sheriff's Contractual Salary Reserves Account.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is authorized to create five Records Clerks, Job Group 5 and be it further,

RESOLVED, that the following budgetary transactions are hereby authorized

SHERIFF'S DIVISION

<u>APPROPRIATION</u>	<u>Decrease</u>
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SFG ACCOUNT

890	Contractual Salary Reserves	\$ 33,058
	Total Decrease	<u>\$ 33,058</u>

HOLDING CENTER

APPROPRIATION

Increase

SFG ACCOUNT

800	Personal Services	\$ 24,868
801	Overtime	1,166
806	Fringe Benefits	<u>7,024</u>
	Total Increase	<u>\$ 33,058</u>
	Net Effect	0

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.
 (3-0) Legislators Falkner and Dusza absent.

JEANNE Z. CHASE
CHAIRPERSON

MS. CHASE moved to separate item #2 and moved the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved the approval of item #2. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

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Item 26 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 556

September 29, 2003

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a.

Item	Page	-2003	(Comm. 14D-2)
COUNTY ATTORNEY:	Transmittal of New Claims Against Erie County.		
(5-0)			
 - b.

Item	Page	-2003	(Comm. 14D-5)
COUNTY ATTORNEY:	Transmittal of New Claims Against Erie County.		
(5-0)			
 - c.

Item	Page	-2003	(Comm. 15D-18)
COUNTY ATTORNEY:	Transmittal of New Claims Against Erie County.		
(5-0)			
 - d.

Item	Page	-2003	(Comm. 15D-24)
COUNTY ATTORNEY:	Notice of Claim.		
(5-0)			
 - e.

Item	Page	-2003	(Comm. 15D-25)
COUNTY ATTORNEY:	Notice of Claim.		
(5-0)			
 - f.

Item	Page	-2003	(Comm. 16D-3)
COUNTY ATTORNEY:	Notice of Claims.		
(5-0)			
 - g.

Item	Page	-2003	(Comm. 16D-4)
COUNTY ATTORNEY:	Notice of Claims.		
(5-0)			
 - h.

Item	Page	-2003	(Comm. 16D-6)
COUNTY ATTORNEY:	Notice of Claims.		

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(5-0)

- | | | | | |
|----|---|------|-------|---------------|
| | Item | Page | -2003 | (Comm. 16D-9) |
| i. | COUNTY ATTORNEY: Notice of Claims. | | | |
| | | | (5-0) | |

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 2. | Item | Page | -2003 | (Comm. 16E-4) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the County's Enterprise Resource Planning (ERP) project includes the implementation of SAP software, and

WHEREAS, in contrast with the legacy accounting system, SFG, which is controlled and maintained by the Division of Information and Support Services, the SAP system modules are controlled and maintained by the appropriate departmental Business Owners, and

WHEREAS, the Comptroller's Office is the designated business owner for several modules and functions, and

WHEREAS, the Comptroller's Office is not presently staffed with appropriate resources to properly meet these expanded responsibilities, and

WHEREAS, it is necessary to create three additional positions in the Comptroller's Office so that the appropriate resources may be added to the project,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to create one position of Director of Grant Accounting Services, Job Group 14, one position of Application Systems Specialist, Job Group 14, and one position of Account Clerk Typist, Job Group 4, and be it further

RESOLVED, that the source of needed appropriations shall be unexpended funds in the Comptroller's 2003 personal services budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Comptroller Nancy A. Naples, Joseph Passafiume, Director of Budget, Management, and Finance, and Personnel Commissioner John Greenan.
 (5-0)

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 3. | Item | Page | -2003 | (Comm. 16E-6) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the District Attorney's Office reimburses its Assistant District Attorneys for necessary travel to the Erie County's town and village courts to successfully prosecute criminal cases, and

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WHEREAS, travel and mileage expenses in the appropriations for Account 824, Travel and Mileage Expenses exceeded estimated budgeted amounts,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$12,000 is hereby transferred from Account 821, Dues and Fees to Account 824, Travel and Mileage Expenses in the 2003 budget of the District Attorney's Office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
 (5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 557

September 29, 2003

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 11

ALL LEGISLATORS PRESENT EXCEPT LEGISLATOR FISHER.

1. **RESOLVED**, that the following item is hereby received and filed.

a. Item Page -2003 (Comm. 15M-11)
PRESIDENT'S NEW FREEDOM COMMISSION ON MENTAL HEALTH: Achieving
 the Promise: Transforming Mental Health Care in America.
 (4-0) Legislator Fisher absent.

2. Item Page -2003 (Comm. 16E-12)
COUNTY EXECUTIVE

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WHEREAS, the County has received an increase of \$49,924 in a Federal award to expand the Federal Food Stamp Nutrition Education Program (FSNEP), and

WHEREAS, this program is designed to instruct Food Stamp recipients in concepts of economy and nutrition in making sound food choices, and

WHEREAS, the Cornell Cooperative Extension currently operates FSNEP programs through individual partnership agreements with 41 counties, and

WHEREAS, this program is available at no local County share as donated funds in an equivalent amount of the contract are to be provided by the vendor.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is authorized to accept the additional Federal award and amend the contract with the Cornell Cooperative Extension to provide FSNEP services to Erie County Food Stamp recipients over a twelve-month period, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-0186	Cornell Cooperative Extension of Erie County	<u>\$49,924</u>
	Total Expenditures	<u>\$49,924</u>
651	Federal Aid- Food Stamp Program Admin.	<u>\$49,924</u>
	Total Revenues	<u>\$49,924</u>

and be it further

RESOLVED, that because these special services are needed immediately, and because the selected vendor has extensive experience in delivery of this Federal program throughout New York State, and because the proposal to secure the Federal funds for Erie County was initiated by the Cornell Cooperative Extension, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0) Legislator Fisher absent.

3. Item Page -2003 (Comm. 16E-13)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services contracts with Joan A. Male Family Support Center for crisis support respite services that are critically needed to provide short term immediate care to foster parents with sporadic and immediate care needs, and

WHEREAS, these short term services are needed to prevent disruption or termination of foster boarding home placements in such instances as employment, medical emergency and crises resulting from foster child behavioral problems, and

WHEREAS, services are provided during all hours and also on weekends and holidays when other programs are generally not available, and

WHEREAS, the contract for these services was first implemented in 2001 and the need in 2003 has grown beyond the capacity of the resources and funding available in the 2003 Adopted Budget, and

WHEREAS, an expansion of this contract in the amount of \$200,000 in the current year is made possible due to the availability of new sixty-five percent State share funding and the availability of unanticipated prior year revenue received in 2003 which may be used to satisfy the local share requirement, and

WHEREAS, there is no net fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to amend the current contract with Joan A. Male Family Support Center, increasing the contract by \$200,000, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830 1500	Joan A. Male Family Support Center - Crisis Support Respite	<u>\$200,000</u>

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	Total Expenditures	<u>\$200,000</u>
606	State Aid – Services for Recipients	\$130,000
529	Unanticipated Prior Year Revenue	<u>70,000</u>
	Total Revenue	<u>\$200,000</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Fisher absent.

4. Item Page -2003 (Comm. 16E-14)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services purchases bus tokens and passes from the Niagara Frontier Transportation Authority for distribution to individuals in receipt of public assistance, and

WHEREAS, public assistance recipients are provided access to public transportation to enable travel to workfare assignments and to subsidized employment, and

WHEREAS, transportation is a mandated benefit and also facilitates self sufficiency through entry to full time employment and closure of public assistance cases, and

WHEREAS, the Department will exceed the 2003 Adopted Budget amount for purchase of bus tokens and passes based on current levels of utilization, and

WHEREAS, funds are available within the 2003 Comprehensive Employment Grant budget to transfer from a contract line for Erie County Community College that will not otherwise be fully utilized to the transportation account, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

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Department of Social Services, Department 200, Fund 281, Project 827

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830-403	Erie County Community College Training Programs	(\$375,000)
826	Other Expenses – Bus Tokens and Passes	<u>375,000</u>
	Total Expenditures	<u>-0-</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 16E-15)

COUNTY EXECUTIVE

WHEREAS, the Department has been awarded funding in the amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence, and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operation, and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's submission to the State of the Consolidated Services Plan (CSP), and

WHEREAS, the Department has determined the distribution of these funds through negotiation of program enhancements with all of the vendors eligible to receive funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts for expanded non-residential services to victims of domestic violence with Child and Family Services, Crisis Services and Hispanics United, and be it further

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RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Fund 120, Department 200

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-0119	Crisis Services	\$46,397
830-0220	Hispanics United of Buffalo	25,546
830-0324	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
649	Federal Aid	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because Department has negotiated program enhancements with all of the vendors eligible to provide services and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (4-0) Legislator Fisher absent.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 558

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September 29, 2003

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 8

ALL LEGISLATORS PRESENT EXCEPT LEGISLATORS WEISNTEIN & FISHER.

ALL ITEMS ARE HEREBY TABLED.

ELISE M. CUSACK
CHAIRPERSON

MS. CUSACK moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 29 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 17-1 From LEGISLATOR CUSACK Re: Western Erie Canal Heritage Corridor Planning Commission Management Plan.

Item 30 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 559

Re: Consideration for Public Benefit Funding.
(Intro. 17-2)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
ORGANIZATON	AMOUNT	MEMBER
City of Tonawanda	\$1,000	SWANICK
City of Tonawanda CDA	\$1,000	SWANICK
TOTAL	\$2,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

MS. CUSACK moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
City of Tonawanda CDA	\$1,000	SWANICK
City of Tonawanda	\$1,000	SWANICK

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Village of Kenmore Fire Department	\$6,000	SWANICK
Dodge Elementary Outdoor Fitness Ctr	\$2,500	RANZENHOFER
Town of Evans	\$3,500	CHASE
Town North Collins	\$5,500	CHASE
Town of Boston	\$2,000	CHASE
Operation Good Neighbor	\$2,000	CHASE
H.E.A.R.T.	\$2,600	CHASE
Town of North Collins	\$1,000	CHASE
WNY Stop Red Light Running	\$1,000	CUSACK
TOTAL	\$28,100	

And be it further

MS. CUSACK moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 560

Re: Transfer of Public Benefit Funds.
(Intro. 17-3)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, CHASE, CUSACK,
FALKNER, LARSON, McCARVILLE & WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

- **REMOVE the following members as co-sponsors: RANZENHOFER, FALKNER, LARSON & McCARVILLE.**
- **ADD the following RESOLVED Clauses:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Town of Evans	830/0430	\$7,500	CHASE
Amherst Youth Foundation	830/1454	\$2,500	WEINSTEIN
TOTAL		\$10,000	

And be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, and be it further

RESOLVED, that \$2,500 of unspent funds from Fund Year 2002 be returned to the Legislature – Contractual fund (110905100830) for Fund Year 2003, from Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services – Muslim Community Center (1109213018301614), and be it further

RESOLVED, that the following be approved as an Addendum to Agreement 970473-K – Provision for the Addition of Special Needs Constituent Transportation for Districts 10 and 14 specifically:

This agreement between the We Care Group, 401 East Amherst Street, Buffalo, NY 14215, hereinafter referred to as the “provider” and the County of Erie, Division of Parks, c/o Districts 10 & 14 Transportation Program, hereinafter referred to as the “Supplier.”

Program Description:

Erie County Legislators Charles M. Swanick and Elise M. Cusack, in conjunction with the Erie County Parks Department, wish to provide free transportation for Erie County Legislative Districts 10 and 14 individuals that are wheelchair confined. This service is intended for transportation within Districts 10 and 14 for benefit and enjoyment of Districts 10 and 14 constituents.

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The above mentioned parties agree to the following terms and conditions.

1. Term

The transportation program will commence on October 1, 2003 and continue until the transportation allocation of \$20,500 is depleted.

2. Eligible parties

Wheelchair confined individuals that reside within the confines of Erie County Legislative Districts 10 and 14 will be entitled to free transportation to be supplied by the "provider" and paid for by the "supplier." Specific eligibility will be evaluated at the time of request for service by postal zip code of the individual's residence. The "provider" will be supplied a list of acceptable zip codes by the "supplier."

3. Scheduling and Service

All requests for transportation must be made by calling the "provider's" reservation center at 716-838-0349 at least twenty-four (24) hours in advance. Transportation may be requested from 7:00 a.m. through 10:00 p.m., seven (7) days a week.

4. Vehicles and Equipment

Transportation service will be accomplished using vans capable of carrying one wheelchair confined individual.

5. Marketing and Promotion

The "supplier" is responsible for informing Districts 10 and 14 residents about the availability of the program.

6. Cost of Service

The "provider" will be compensated a flat fee of \$35 per individual, per one-way trip, for all destinations within Districts 10 and 14. Transportation outside of Districts 10 and 14 will be supplied and billed at the "provider's" standard tariff, less a 10% courtesy discount.

7. Billing

The "supplier" will be sent monthly statements outlining the services provided. Payments are due, net thirty (30) days.

8. Program continuance

As stated earlier, this program is being funded with a \$20,500 budget. The program may be continued if any additional funding source is obtained.

The above stated terms and conditions are the entire agreement and are agreed to by:

The We Care Group

*Erie County Parks Department
c/o Charles M. Swanick, District 10*

Signature_____

Signature_____

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Name Printed _____
 Title _____
 Date _____

Name Printed _____
 Title _____
 Date _____

Erie County Parks Department
c/o Elise M. Cusack, District 14

Signature _____
 Name Printed _____
 Title _____
 Date _____

And be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$20,500 from the Legislature Contractual DAC: 110905100830 to Department of Parks, Recreation & Forestry – Parks Contractual DAC: 110942640830518 (Revenue), and be it further

RESOLVED, that the Erie County Legislature authorizes the Department of Parks, Recreation & Forestry to pay for expenses related to the Districts 10 and 14 Transportation Program as outlined in the above referenced addendum through the following Contractual Expense account DAC: 110942640830, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance and the Commissioner of the Department of Parks, Recreation & Forestry are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Commissioner of Parks, Recreation & Forestry Lawrence D. Jasinski; Kelly A. Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds and re-appropriation of 2002 budgeted funds.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 561

Re: Support for Congressional Action Against
China's Undervalued Currency &
Corresponding Trade Imbalance.

**A RESOLUTION SUBMITTED BY LEGISLATORS
SCHROEDER, HOLT, MARINELLI & DUSZA**

WHEREAS, the undervaluation of the Chinese currency, the Yuan, makes exports from the People's Republic of China less expensive for foreign consumers and makes foreign products more expensive for Chinese consumers, and

WHEREAS, the Government of the People's Republic of China has reportedly intervened in the foreign exchange markets to hold the value of the Yuan within an artificial trading range, and

WHEREAS the effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports, leading the People's Republic of China to enjoy significant trade surpluses with its international trading partners, and

WHEREAS, the United States trade deficit with China has widened from \$57,000,000,000 in 1998 to \$103,000,000,000 in 2002, resulting in an aggregate deficit with China of over \$396,000,000,000 for that 5-year period, and

WHEREAS, China's undervalued currency and the United States trade deficit with the People's Republic of China is contributing to significant job losses in the United States and is harming United States businesses, and

WHEREAS, the manufacturing sector alone in the United States has lost over 2,600,000 jobs since March 2001, which accounts for approximately 90 percent of the total United States job losses, and

WHEREAS, this competitive disadvantage and corresponding job loss has served as a regressive force on the Western New York economy, further contributing to the loss of jobs in Erie County, and

WHEREAS, on September 5, 2003 U.S. Senator Charles Schumer introduced S.1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful, and

WHEREAS, S.1586 was introduced in the United States Senate with bipartisan support, and

WHEREAS, Congressman Thomas Reynolds introduced similar legislation in the U.S. House of Representatives, H.R. 3058 which is known as the Currency Harmonization Initiative through Neutralizing Action Act of 2003 or CHINA Act, and

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WHEREAS, Congresswoman Louise Slaughter has joined this legislation as a co-sponsor, again demonstrating bi-partisan support for the effort to restore fairness and equity in U.S. trade relationships and protecting manufacturing jobs in this Country,

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature supports the bi-partisan Congressional efforts to enact legislation which would restore equity to the current trade imbalance with the People's Republic of China and protect U.S. manufacturing jobs, and be it further

RESOLVED, that this honorable body expresses its support for S.1586 and H.R. 3058 and encourages their passage into law, and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to send copies of this Motion to Senators Hillary Rodham Clinton and Charles Schumer, and Members of Congress Jack Quinn, Thomas Reynolds and Louise Slaughter.

Fiscal Impact: Positive for the residents of Erie County and the Nation.

MR. SCHROEDER moved to amend the resolution to include Et Al Sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 33 – CHAIRMAN SWANICK directed that the following resolution be received and filed.

GRANTED.

Intro. 17-5 From LEGISLATOR SCHROEDER Re: Support for Congressional Action Against China's Undervalued Currency & Corresponding Trade Imbalance.

Item 34 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 17-6 From LEGISLATORS DeBENEDETTI, HOLT, SMITH, MARINELLI & DALE Re: Cooperation & Coordination Between Buffalo & Local Narcotics Police Units.

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Item 35 – CHAIRMAN SWANICK directed that the following resolution be received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 17-7 From LEGISLATORS MARINELLI, HOLT, DeBENEDETTI, SMITH & DALE
 Re: A New Economic Development Approach for Buffalo & Erie County.

Item 36 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 562

Re: Consideration for Public Benefit Funding.
 (Intro. 17-8)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR DUSZA**

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

MR. DUSZA moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following RESOLVED Clauses:

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Ss. Peter & Paul Athletic Association	\$2,000	DUSZA

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TOTAL	\$2,000	
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And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

MR. DUSZA moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 16E-22. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 563

Re: Lakeshore Shoreline Trail – Phase I
 Agreement: Design.

WHEREAS, the County of Erie desires to improve public recreational access to the County waterfront; and

WHEREAS, the Town of Evans has been awarded \$754,300 in Federal grant funds to design and construct the Lakeshore Shoreline Trail – Phase I Project ; and

WHEREAS, Erie County desires to assist in the implementation of said Trail Project and has allocated \$350,000 in the approved 2003 County Capital Budget for this project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with the Town of Evans for an amount not to exceed \$103,000 for design of the Lakeshore Shoreline Trail – Phase I; and be it further

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RESOLVED, that the source of funds will be \$350,000 available in the approved 2003 Erie County Capital Budget for the Lakeshore Shoreline Trail – Phase I; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the Director of the Division of Budget, Management and Finance, the County Comptroller, the Commissioner of Environment and Planning, the Commissioner of the Department of Public Works, and the County Attorney.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 16E-23. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 564

Re: Outer Harbor Waterfront Trail – Design Agreement.

WHEREAS, the County of Erie desires to improve public recreational access to the County waterfront; and

WHEREAS, the Niagara Frontier Transportation Authority has been awarded \$980,000 in Federal grant funds to design and construct the Outer Harbor Waterfront Trail in the City of Buffalo; and

WHEREAS, Erie County desires to assist in the implementation of said trail project and has allocated \$367,500 in the approved 2003 County Capital Budget for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract not to exceed \$35,000 in funds from the approved 2003 Erie County Capital Budget with the Niagara Frontier Transportation Authority and other involved agencies, including the City of Buffalo, New York State Department of Transportation and the Federal Transit Administration, to design the Outer Harbor Waterfront Trail; and be it further

RESOLVED, that the source of funds will be \$367,500 available in the approved 2003 Erie County Capital Budget for the Outer Harbor Waterfront Trail; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the

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Commissioner of Environment and Planning, the Commissioner of Public Works and the County Attorney.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 39 – MR. RANZENHOFER moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 16E-7. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 565

Re: Regional Cultural Projects and Programs.

WHEREAS, regional assets located in Buffalo and Erie County are increasingly recognized nationally and internationally for their historical, architectural and cultural tourism significance, and these regional assets are integral components in Erie County's regional economic revitalization strategy which includes promoting the business of cultural tourism in our region; and

WHEREAS, Erie County has historically provided significant funds to many regional cultural assets with operational and, more recently, project related funding assistance, and the following organizations have requested funding assistance from Erie County to further their respective regional cultural projects and programs: the Buffalo and Erie County Historical Society – funding for the Freedom Schooner "Amistad" event; the Polish Arts Club of Buffalo – funding for the Calasancius Mural Project; Shakespeare in Delaware Park – funds needed to offset the costs of vandalism to its stage in Delaware Park in early August; the Buffalo Transportation Museum – funds to assist the completion of the Frank Lloyd Wright Filling Station project; the Buffalo Olmsted Parks Conservancy – funds for the historic rehabilitation of the Parkside Lodge; and the Buffalo Economic Renaissance Center – funds for the historic rehabilitation and reuse of the Delaware Asbury Church; and

WHEREAS, these organizations' projects and programs have been determined to be important components to our enhancing this County's and region's cultural tourism strategy, and it is expected there will be significant economic impacts individually to each organization, and collectively for Erie County resulting from the successful completion of these cultural activities,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these regional cultural projects and programs; and be it further

RESOLVED, that funds for these cultural projects and programs in the amount of \$429,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to separate sub-accounts

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under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Buffalo and Erie County Historical Society
 Amistad Project – \$25,000

Polish Arts Club of Buffalo
 Calasactius Mural Project – \$74,000

Shakespeare in Delaware Park
 Stage Project – \$5,000

Buffalo Transportation Museum
 Frank Lloyd Wright Filling Station – \$125,000

Buffalo Olmsted Parks Conservancy
 Parkside Lodge – \$25,000

Buffalo Economic Renaissance Corporation (BERC)
 Delaware Asbury Methodist Church – \$175,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; William Seiner, Executive Director, Buffalo and Erie County Historical Society, 25 Nottingham Terrace, Buffalo NY 14216; Peter Gessner, President, Polish Arts Club, 3210 Main Street, Suite 4, Buffalo NY 14214; Neil Garvey, Director, Shakespeare in Delaware Park, P.O. Box 716, Buffalo NY 14205-0716; James Sandora, Jr. Executive Director, Buffalo Transportation Museum, 24 Myrtle Ave., Buffalo NY 14204; Debbie Trimble, Executive Director, Buffalo Olmsted Parks Conservancy, 84 Parkside Ave, Buffalo, NY 14214; and Timothy Wanamaker, President, Buffalo Economic Renaissance Corporation, City Hall, Room 920, Buffalo, NY 14202.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 40 – MR. RANZENHOFER moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 16-7. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 566

Re: Calling for an Audit of the Power
Generating Capacity of the New York Power
Authority's Niagara Power Project.

A RESOLUTION SUBMITTED BY LEGISLATORS
HOLT, SCHROEDER, FISHER, MARINELLI, DUSZA, DEBENEDETTI,
DALE, SMITH & KUWIK

WHEREAS, the New York Power Authority (NYPA) owns and operates power generating facilities at locations throughout New York State, and

WHEREAS, one such facility is the Niagara Power Project in Niagara Falls, NY, and

WHEREAS, in 1998, NYPA stated in published memoranda and other documents that upgrades to its Niagara Power Project would result in increased power generating capacity at the Niagara Project, justifying the significant capital expenditures necessary to complete the upgrades, and

WHEREAS, subsequent to 1998, legislation was filed and adopted in the New York State Assembly that would earmark 325 megawatts of Niagara hydropower for business and for economic development within its host community – the Western New York region, and

WHEREAS, at present, despite having the producer of New York's cleanest and most cost-efficient electricity within a half-hour drive of Buffalo, Western New York business pay electricity rates 50 to 60 percent higher than the national average, and

WHEREAS, consistent comments from business leaders confirm that the high cost of electricity in Western New York has a negative impact on business growth and development generally, and has a particularly detrimental impact on businesses ability to expand and create new jobs, and

WHEREAS, one example of this phenomenon involves Buffalo's Rich Products, which recently returned to New York State a \$2.5 million grant associated with job creation; when asked the reason for returning the grant in the June 10 edition of The Buffalo News, its President, Bob Rich, stated that the high cost of energy impacted his business ability to meet job creation targets, and

WHEREAS, NYPA officials despite previous statements indicating an increased in capacity following completion of the upgrades, have recently changed their opinion, stated that no such capacity increase has occurred, and

WHEREAS, it is believed that NYPA sells its excess power generated at the Niagara Project at a profit in order to subsidize its less profitable ventures in other parts of New York State, and

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WHEREAS, if that is so, it represents a poor public policy decision for the people of Erie County and Western New York, whose economy is greatly influenced by businesses that are reliant upon electricity for the manufacture of goods and the provision of services, and

WHEREAS, New York State Assemblyman Brian M. Higgins has requested that New York State Comptroller Alan Hevesi conduct an audit of the power generating capacity of the Niagara Power Project, in order that an independent review of the project operations may be analyzed and the question of the power project's capacity may be put to rest, so that the public policy question of what the proper disposition of any excess capacity may be,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to enhancing economic development and job creation efforts in Buffalo, Erie County, and Western New York, and be it further

RESOLVED, that this Honorable Body does hereby join in the call for an audit of the power generating capacity of the New York Power Authority's Niagara Power Project, for the purpose of determining the excess power generating capacity resulting from upgrades to the plant within the past several years, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Comptroller Alan Hevesi and to the Chairman of the New York Power Authority.

Fiscal Impact: Positive for Erie County residents and businesses.

M.R RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DELETE the Second, Third and Fourth WHEREAS clauses and REPLACE with the following:

WHEREAS, one such facility is the Niagara Power Project (NPP) located in Lewiston, New York, and

WHEREAS, in 1998, NYPA stated in published memoranda and other documents that significant capital upgrades to its Niagara Power Project could result in approximately 325 MW of increased power generating capacity, and

WHEREAS, this increased power generating capacity at the Niagara Project should have been characterized as "peak power", or power that can only be generated for short periods of times, and

WHEREAS, the above referenced capital upgrades at the Niagara Power Project could also result in 35 MW of "firm power", or power that can be generated at all periods of time by the Project, and

DELETE the Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh WHEREAS clauses and REPLACE with the following:

WHEREAS, various local business leaders have stated publicly that the high cost of electricity in Western New York has a negative impact on business growth and development generally in the areas of business expansion and job creation, and

WHEREAS, this was illustrated with the recent example of Rich Products, which returned a \$2.5 million grant to New York State associated with job creation citing the high cost of energy as one factor that impacted the ability of the business to meet job creation targets, and

WHEREAS, more than 100 employers throughout Western New York receive low cost power from the Niagara Power Project which helps protect more than 43,000 jobs in our local communities, and

WHEREAS, this Honorable Body has gone on record supporting efforts that would result in more low cost power being retained by the Western New York area for use in economic development and job creation, and

WHEREAS, the Erie County Legislature is cognizant and respectful of the fact that NYPA is mandated by Federal and State law with regard to the allocation of its power from the Niagara Power Project, and

WHEREAS, Assemblyman Brian M. Higgins has requested that an audit of the power generation capacity of the Niagara Power Project be conducted by the New York State Comptroller, so that the Project's operations may be analyzed and the question of the Niagara Power Project's power generation capacity can be put to rest, and

WHEREAS, this Honorable Body does hereby request that a qualified independent review be conducted of the power generating capacity of the NYPA's Niagara Power Project for the purposes of determining the additional generating capacity resulting from the scheduled upgrades to the Robert Moses Niagara Power Plant,

DELETE the Second and Third RESOLVED clauses and REPLACE with the following :

RESOLVED, this Honorable Body does hereby request that a qualified independent review be conducted of the power generating capacity of the NYPA's Niagara Power Project for the purposes of determining the additional generating capacity resulting from the scheduled upgrades to the Robert Moses Niagara Power Plant, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Speaker Silver, Majority Leader Bruno, Comptroller Hevesi, the Western New York Delegation to the New York

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State Legislature, the New York Power Authority, County Executive Giambra, the Erie County Department of Environment and Planning and the Niagara County Legislature.

MR. RANZENHOFER moved to further amend the resolution to include Et Al Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 41 – MR. DALE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 15-28. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 42 – MR. HOLT moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 16-13. MS. FISHER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

SUSPENSION OF THE RULES

Item 43 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MR. DALE seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

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GRANTED.

Comm. 17M-8 From RIVERS & TRAILS Re: River & Trails Program.

Item 44 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MR. DALE seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be RECEIVED, FILED & PRINTED.

GRANTED.

October 2, 2003

The Honorable Charles M. Swanick
Chairman
Erie County Legislature
25 Delaware Ave.
Buffalo, NY 14202

Dear Chairman Swanick:

In accordance with Section 3.02 of the Rules of the Erie County Legislature, as amended, I hereby recommend Legislator Lynn M. Marinelli as a Minority Caucus appointment to the Budget, Finance and Management Committee.

Very truly yours,

GEORGE A. HOLT, JR.
Minority Leader

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DeBENEDETTI

Item 45 – (Comm. 17E-1) Request to Change Vote on Comm. 15E-41 (2003), as Amended.

RECEIVED, FILED & PRINTED.

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September 25, 2003

Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

RE: REQUEST TO CHANGE VOTE ON COMM. 15E-41 (2003), AS AMENDED

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to “aye,” pending the authorization of the Erie County Legislature, pursuant to Section 2.28 of the Rules of the Erie County Legislature.

Thank you in advance for your assistance.

Sincerely,

ALBERT DEBENEDETTI
Erie County Legislator, 6th District

FROM LEGISLATOR MARINELLI

Item 46 – (Comm. 17E-2) Request to Change Vote on Comm. 15E-41 (2003), as Amended.

RECEIVED, FILED & PRINTED.

September 25, 2003

Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

RE: REQUEST TO CHANGE VOTE ON COMM. 15E-41 (2003), AS AMENDED

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to “aye,” pending the authorization of the Erie County Legislature, pursuant to Section 2.28 of the Rules of the Erie County Legislature.

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Thank you in advance for your assistance.

Sincerely,

LYNN M. MARINELLI
Erie County Legislator, 11th District

FROM LEGISLATOR DALE

Item 47 – (Comm. 17E-3) Copy of Letter to Commissioner of DPW Re: Information Request.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 48 – (Comm. 17E-4) EC Appointments to the Inter-County Association of WNY.

RECEIVED, FILED & PRINTED.

September 26, 2003

Hon. Edmund Burdick
President, Inter-County Association
of Western New York
Allegany County Board of Legislators
County Office Building
7 Court Street
Belmont, NY 14813-1039

Re: Erie County Appointments to the Inter-County Association of Western New York.

Dear Mr. Burdick:

I am now in receipt of the Minority Leader's appointments to the Inter County Association of Western New York. The Minority Leader has appointed Hon. Judith P. Fisher to be the third voting delegate from Erie County and Minority Staff Members Janet Jamison and Timothy Callan as alternate delegates for Ms. Fisher. The contact information for each individual listed above can be found enclosed.

If you have any questions, please contact me at (716) 858-6192.

Very truly yours,

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Charles M. Swanick
Chairman, Erie County Legislature
10th District

Enclosure

cc:

Hon. Judith P. Fisher
374 Delaware Avenue - Suite 208
Buffalo, NY 14202

Janet Jamison
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Timothy Callan
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Attachment – Minority Contact Information

Hon. Judith P. Fisher
Erie County Legislator
374 Delaware Avenue - Suite 208
Buffalo, NY 14202
Tel. No. (716) 854-0674
Fax No. (716) 854-0676
E-mail – fisherj@erie.gov

Janet Jamison
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202
Tel. No. (716) 858-8805
Fax No. (716) 858-8429
E-mail – jamisonj@erie.gov

Timothy Callan
Erie County Legislature
25 Delaware Avenue

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Buffalo, NY 14202
Tel. No. (716) 858-8801
Fax No. (716) 858-8429
E-mail – callant@erie.gov

FROM LEGISLATOR DALE

Item 49 – (Comm. 17E-5) Copy of Letter to Commissioner of DPW Re: Information Request.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 50 – (Comm. 17E-6) Notice of Absence from Committee Meetings.

RECEIVED, FILED & PRINTED.

September 29, 2003

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

Dear Madam Clerk:

Please be advised that due to previously scheduled appointments, I will be unable to attend the upcoming meetings of the Legislature's Energy & Environment and Public Safety Committees, scheduled to be held on Monday, September 29, 2003.

Regrettably, my commitments on this date cannot be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our October 2, 2003 regular session.

Thank you for your cooperation.

Very truly yours,

Raymond K. Dusza
Erie County Legislature
8th District

Item 51 – (Comm. 17E-7) Notice of Absence from Committee Meetings.

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RECEIVED, FILED & PRINTED.

September 29, 2003

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

Dear Madam Clerk:

Please be advised that due to previously scheduled appointments, I will be unable to attend the upcoming meetings of the Legislature's Human Services and Community Enrichment Committees, scheduled to be held on Monday, September 29, 2003.

These plans were set well in advance of the release of the committee schedule and, regrettably, cannot be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our October 2, 2003 regular session.

Thank you for your cooperation.

Very truly yours,

Judith P. Fisher
Erie County Legislature
4th District

FROM THE COMPTROLLER

Item 52 – (Comm. 17E-8) Apportionment & Distribution of 4% Sales Tax for 9/03.

Item 53 – (Comm. 17E-9) Response to Finance & Management Committee Members Re: Budget & Actual Sales Tax Data.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 54 – (Comm. 17E-10) Late Responses to LL Intro. No.1 – 2003: EC MBE/WBE Utilization Commitment Act.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

Item 55 – (Comm. 17E-11) EC ERP Project.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 56 – (Comm. 17E-12) Supplemental Funding for African American Cultural Arts Collective Organizations.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 57 – (Comm. 17E-13) Health – Breast & Cervical Cancer Screening Program 6/30/03 – 6/29/04 – Project #866.

Item 58 – (Comm. 17E-14) Health – Integration of Hepatitis Prevention Services Grant Revision 9/30/02 – 3/31/04 Project #718.

Item 59 – (Comm. 17E-15) Health – Healthy Neighborhoods Grant Revision 10/1/02 – 9/30/03 – Project #715.

Item 60 – (Comm. 17E-16) Health – Public Health Preparedness Response to Bioterrorism 5/1/02 – 8/31/03 Project #744.

Item 61 – (Comm. 17E-17) Health – Immunization Action Plan 4/1/03 – 3/31/04 Project #872.

Item 62 – (Comm. 17E-18) Health – Childhood Lead Poisoning Prevention Program 1/1/03 – 12/31/03 Project #852.

The above six items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 63 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 567

Re: Appointment to ECC Board of Trustees.
(Comm. 17E-19)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Paul Stasiak of 146 Andover Lane, Williamsville, New York 14221 to the Erie Community College Board of Trustees for a term to expire June 30, 2010.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

Item 64 – (Comm. 17E-20) Emergency Services – Acceptance of Award from NYSEMO to Establish a Citizens Corp Council for EC.

Item 65 – (Comm. 17E-21) Emergency Services – Proposed Resolution to Revise World Trade Center Grant for Federal Disaster Declaration #1391 of 9/11/01.

Item 66 – (Comm. 17E-22) Emergency Services – Hazardous Materials Transportation Uniform Safety Act.

Item 67 – (Comm. 17E-23) Emergency Services – Contract with WIVB – Television/LIN Television for Space on Transmitter Tower.

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 68 – (Comm. 17E-24) Surplus Revenue – Road Repair Reserve Fund.

Item 69 – (Comm. 17E-25) WEB Enabled Advance Monitoring – Transfer of Funds to Pay for Overtime.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – (Comm. 17E-26) ECSD No. 6 – CSX Railroad Pipe Crossings Assignment of Agreements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 71 – (Comm. 17E-27) Mental Health – Authorization to Accept a Grant from US HUD.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 72 – (Comm. 17E-28) DISS – Transfer of Funds.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 73 – (Comm. 17D-1) Financial Statements for 8/03.

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Received and filed.

FROM DPW

Item 74 – (Comm. 17D-2) Copy of Response Letter Re: Rath Building Fire Alarms.

Received and filed.

FROM ECC

Item 75 – (Comm. 17D-3) Agenda & Minutes of Board Meeting.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 76 – (Comm. 17D-4) Budget Monitoring Report for Period Ending 7/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 77 – (Comm. 17M-1) Board Minutes.

Received and filed.

FROM THE AMERICAL LEGION ERIE COUNTY COMMITTEE

Item 78 – (Comm. 17M-2) Copy of Letter to County Executive Re: Veteran's Services.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM GOVERNOR PATAKI

Item 79 – (Comm. 17M-3) Receipt of Resolutions.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

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Item 80 – (Comm. 17M-4) Landowner Proposals for Inclusions of Viable Agricultural Protection & Development Services.

Received and filed.

FROM THE WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION

Item 81 – (Comm. 17M-5) Western Erie Canal Heritage Corridor Management Plan.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ECIDA

Item 82 – (Comm. 17M-6) Buffalo Waterfront Projects Presentation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF COLDEN

Item 83 – (Comm. 17M-7) Certified Resolution Re: Support for West Falls Liberty.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 84 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of the soldiers who are risking and have lost their lives protecting the United States of America.

Item 85 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of J.C. Hill.

Item 86 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of James Joyce.

Item 87 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Walter Krawczyk.

Item 88 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Anthony Risorgiato.

ADJOURNMENT

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Item 89 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, October 16, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 16, 2003 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK